

REMARKS

Claims 1, 3, and 8 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,042,151 (Ali). Ali discloses a system for displaying multiple packages of sand paper in which each piece of sand paper is placed within a slot contained within a display in order to provide a consumer with grading information.

Claims 2, 4-7 and 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ali. It is the position of the Examiner that although Ali does not teach codes as being color or alphabetic, these are considered to be equivalent alternatives. Thus, the Examiner has concluded that it would have been obvious to a person having ordinary skill in the art to utilize colors or letters if this would make the code easier to understand or if the user is unable to distinguish numbers. Further, the Examiner acknowledges that Ali does not teach the segmented display as being a pie chart but concludes that such charts are well known in the art. The Examiner in addition acknowledges that Ali does not teach application of the patented invention as being directed to pets but concludes that the entity is not part of the claimed invention and that it would have been obvious to one of ordinary skill in the art to utilize the system of Ali when arranging any variety of products. Finally, the Examiner acknowledges that Ali does not teach further dividing the sub groups but this is considered to be duplication of a known part and involves only routine skill in the art.

Applicant has suggested that the present invention has applicability to pet products simply because those products lend themselves to taking full advantage of the present invention. The reason for this is quite clear. Pet products are low in cost and oftentimes have multiple functions or purposes. Wading through superficially similar products in order to be apprised of their intended functions can be a daunting task considering that low cost retailers tend to segregate such products in massive product displays appearing to the uninitiated as simply a plethora of duplicative product offerings. The present invention goes quite far to rectify this situation.

It is quite clear from viewing Figs. 1 and 2 and the description in the specification that it is the intent to provide a segmented display such as display 10 located remotely or spaced away from the columns of products such as those shown hanging from the peg bar support of Fig. 2. In doing so, the consumer need only go to segmented display 10, pick

out a characteristic which is identified, for example, by a particular color on the segmented display and then leave segmented display 10 moving over to the peg bar support to find that color associated with a particular product. In doing so, there is no need to place identifying indicia, characterizations or other descriptions on the peg bar display which makes for a product presentation of great utility and simplicity.

The advantages of the present invention over Ali are quite apparent. Ali teaches that the sand paper being sold in single sheets are contained within a support structure which, on the structure itself, lists the coarseness of the sand paper contained within each column. As such, the sand paper display housing the individual sand paper sheets cannot be altered. For example, if the practice was not to offer 100 grade sand paper any further as it was not found to be a good seller, the sand paper display of Ali, having been locked into a column of 100 grade sand paper would lose its utility. By contrast, the peg board display of Fig. 2 can present any number of products and the product configuration can change at any time according to the availability of product from the manufacturer or shelf space constraints imposed by the retailer. If one was to code product characteristics on products hung from the peg board display of Fig. 2, only the stand alone segmented display 10 need be altered. In other words, by practicing the present invention, the peg board display of Fig. 2 has universal application while the corresponding sand paper storage rack of the prior art can only be used for a specific product, sand paper, and only, within that product segment, sand paper sheets of predetermined coarseness.

Applicant believed, and continues to believe that the claims as originally filed adequately distinguished from Ali in calling for a segmented display which is "proximate" to the multiple packages relating thereto. However, in order to further reinforce this notion, applicant has now called for a segmented display which is "spaced apart" from the positioning of the multiple packages. It is thus respectfully asserted that claims 1, 3 and 8 are not anticipated by Ali if, for no other reason, that Ali teaches the "segmented display as housing the individual multiple packages (of sand paper)" and certainly does not teach separating the segmented display as being proximate to or, now, spaced apart from such packages.

In addition, it is respectfully asserted that certainly as it comes to providing a pie chart display (claim 5), Ali could not be considered to render obvious such a claim.

Applying Ali to a pie chart, or any chart for that matter, represents nothing more than hindsight reconstruction of applicant's invention. Specifically, Ali is strictly involved with providing a labeled receptacle for housing various grades of sand paper. Ali teaches nothing more. The pie chart display could not house rectangular sheets of sand paper in any fashion of which applicant is aware.

Applicant has also submitted new claim 12 which calls for a pie chart display which is color coded, spaced apart from and related to similarly color coded products identified in the segmented pie chart display. Ali simply has no relationship whatsoever to claim 12.

For the reasons advanced above, it is respectfully asserted that the present application is in condition for allowance and that such disposition is earnestly solicited.

Respectfully submitted,
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